

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 17, 1945  
10:45 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Alford, Bartholomew, Gillis, Mayor Miller - 4  
Absent : Councilman Wolf - 1

Present also: Walter E. Seaholm, City Manager; J. E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the minutes was dispensed with.

Mrs. Maude Pridgen Butler appeared before the Council relative to her request now pending for the removal of the remains of one, or more, unknown bodies from her family burial lot in Oakwood Cemetery. No claim for said bodies having been filed with the City Manager in accordance with advertised notice, and the City Attorney having ruled that the City Council could not legally order said bodies removed, Mayor Miller offered the following resolution, and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT title to Lot No. 283 of Oakwood Cemetery be vested in the Pridgen family, who shall have the use of said lot from and after this date; that the remains of Henry F. McDonald, son-in-law of Oscar F. Pridgen, deceased, now awaiting burial, be duly interred on said lot; and that the remains of the unknown bodies now buried there be not disturbed, but from and after this date no bodies be allowed to be buried there without the consent of said Pridgen family, their heirs and assigns.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

The application of Joe Goldfinger for a wine and beer permit for the J. GOLDFINGER'S KOSHER DELICATASSEN AND BEER, 313 East 6th Street, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in MARSHALL LANE, from West 13th Street south 192 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Marshall Lane.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (2) A gas main in EAST 17TH STREET from a point 118 feet west of Cedar Avenue east to Cedar Avenue, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said East 17th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (3) A gas main in CEDAR AVENUE from East 17th Street southerly to a point 33 feet north of East 16th Street, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Cedar Avenue.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (4) A gas main in FREDERICKSBURG ROAD, from LaCasa Drive southerly 158 feet, the centerline of which gas main shall be 7.5 feet east of, and parallel to, the west property line of said Fredericksburg Road.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

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- (5) A gas main in WEST 12TH STREET from a point 77 feet east of Charlotte Street west to Charlotte Street, the centerline of which gas main shall be 7 feet south of, and parallel to, the north property line of said West 12th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (6) A gas main in CHARLOTTE STREET from West 12th Street southerly 75 feet, the centerline of which gas main shall be 10 feet west of, and parallel to, the east property line of said Charlotte Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (7) A gas main in SOUTH 5TH STREET from West Annie Street south 70 feet, the centerline of which gas main shall be 10 feet west of, and parallel to, the east property line of said South 5th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (8) A gas main in EAST 5TH STREET from a point 67 feet west of Pace Street westerly 148 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet north of, and parallel to, the south property line of said East 5th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

A petition, signed by property owners on Elmwood Street and Park Place, requesting that the zoning classification of Elmwood Street and the 600 block of Park Place be changed from "A" Residence to "B" Residence, was received. Councilman Bartholomew moved that the petition be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Pursuant to notice thereof published in the American-Statesman, a daily newspaper published in the City of Austin, a public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, to-wit:

- (1) To amend Section 2, by adding thereto a definition of AMUSEMENT PARK and a definition of TRANSITIONAL USE.
- (2) To amend Section 4, Item 4, by defining the types of schools that can be erected in "A" Residence District.
- (3) To amend Section 4, Item 13 (d), and Section 5, Item 8 (c), to regulate the keeping of livestock and poultry in "A" Residence District and in "B" Residence District.
- (4) To amend Section 5, Item 6, by defining the types of hospitals that can be maintained in "B" Residence District.
- (5) To amend Section 5, Item 7, forbidding the erection of institutions for insane, feeble-minded and mentally retarded in "B" Residence District.
- (6) To amend Section 6, Item 36, further defining the term WAREHOUSE which is forbidden in "C" Commercial District.
- (7) To amend Section 6, denying the use in "C" Commercial District of Amusement Parks if located in a Community Center.
- (8) To amend Section 7, Item 2, by regulating the sale of beer and wine.
- (9) To amend Section 27 (b)(5), by defining the powers of the Board of Adjustment.
- (10) To amend Section 31 (b) and Section 31 (c), providing for procedure to be followed to amend the Zoning Ordinance;

was opened at the appointed time.

A large delegation of citizens appeared to be heard on the amendment pertaining to the keeping of livestock and poultry in "A" Residence and "B" Residence Districts. Upon announcement by the Mayor that it was the decision of the City Council to suspend enforcement of those regulations, except as pertains to sanitary requirements, for the duration of the war, the delegation thereupon withdrew.

In this connection, the City Manager was authorized to employ an additional man in the Health Department to assist in a rigid enforcement of the sanitary regulations referred to.

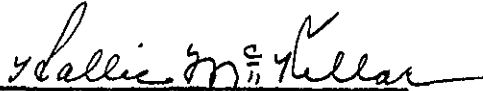
A further discussion of the proposed amendments with the Board of Adjustment and M. H. Crockett, objector, was then had, following which the City Attorney was instructed to rewrite the proposed ordinance, embodying the changes agreed upon.

There being no further business, upon motion, seconded and carried, the meeting was recessed at 1:10 P. M., subject to call of the Mayor.

APPROVED

  
MAYOR

ATTEST:

  
CITY CLERK